

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
February 6, 2008

PRESENT: Mayor Reed, Vice Mayor Cortese and Councilmember Chirco

ABSENT: Councilmember Constant

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, Redevelopment Agency Assistant Director Gary Miskimon, Assistant City Manager Christine Shippey, Agenda Manager Nadine Nader, Mayor Council Agenda Manager Alicia Bosco and Deputy City Clerk Nora Pimentel

A. City Council

1. Review February 12, 2008 Final Agenda

Action: The Committee approved the following additions and changes to the February 12, 2008 Council Agenda:

- Presentation of proclamation honoring Univision's 20th Annual "Premio Lo Nuestro a La Musica Latina". (Campos)
- Ceremonial presentation of a check from the Tech Museum of Innovation to Team San José of proceeds from the Body Worlds exhibit. (Constant)
- Presentation of a commendation to Daniel Keegan. (Liccardo)
- Request for an excused absence for Councilmember Constant. (Constant)
- Items 3.8 (Report on the Neighborhood Association Priority Setting Session and the Telephone Community Survey) and 3.9 (Mayor's Budget Shortfall Advisory Group Recommendation) to be heard immediately following the Agency Agenda.

2. Review of February 19, 2008 Draft Agenda

None-Meeting Cancelled.

B. Redevelopment Agency

1. Review February 12, 2008 Final Agenda

Action: The Committee approved the February 12, 2008 Redevelopment Agency Meeting Agenda.

2. Review February 19, 2008 Draft Agenda

None-Meeting Cancelled.

C. Legislative Update

1. State

None.

2. Federal

None.

D. Meeting Schedules

1. City Council-Santa Clara Valley Water District Board Joint Study Session on Water Supply on April 24, 2008 from 9:00 a.m to Noon.

Documents Filed: Memorandum from John Stuffelbean, Director of Environmental Services dated January 28, 2008 recommending approval to schedule a Joint Study Session on water supply issues with the City Council and the Santa Clara Valley District Board of Directors on April 24, 2008 from 9 a.m. to noon in Rooms W118-120.

Action: The Committee approved the Joint Study Session.

E. The Public Record

Documents Filed: Memorandum from Lee Price, City Clerk dated February 1, 2008 transmitting the Public Record for the week of January 25-31, 2008.

Action: The Committee noted and filed the Public Record.

F. Appointments to Boards, Commissions and Committees

None.

G. Rules Committee Reviews, Recommendations and Approvals

1. **Discussion of Open Government issues involving online calendar posting, the lobbyist ordinance and other necessary disclosures by the Mayor and Council Offices.**

Documents Filed: Memorandum from Mayor Reed dated January 31, 2008 recommending discussion of Open Government issues involving online calendar posting, the lobbyist ordinance and other necessary disclosures by the Mayor and Council Offices.

Discussion: Tom Manheim reported improvements that Information Technology has made to the online calendaring system. He addressed the proper practice for posting items on the online calendar as it relates to content and timeframe. The Committee discussed the need for a standardized template and retention schedule for the calendars. Staff agreed to develop both and provide on-going training, as needed. City Clerk Lee Price reported on the work that has been done to implement revised provisions of the lobbyist ordinance and took questions from the Committee. Discussion followed about Council disclosures at the dais. The City Attorney agreed to develop a systematic process to assure consistency in reporting.

2. **Proposed Amendments to City Charter and Municipal Code.**
 - a. **Council Appointee Administrative Leave**
 - b. **Recall Elections**
 - c. **Abstention Ordinance**
 - d. **Council Salary Setting Methods and Options**

Documents Filed: Memorandum from City Attorney Richard Doyle dated January 3, 2008 proposed amendments to City Charter and Municipal Code-transmittal memo. (a) Memorandum from City Attorney Richard Doyle dated January 6, 2008 recommending proposed Charter Change-Council Appointee Administrative Leave. (b) Memorandum from City Attorney Richard Doyle dated January 3, 2008 recommending proposed Charter Amendment on Recall Elections. (c) Memorandum from City Attorney Richard Doyle dated January 4, 2008 recommending discussion and direction on when to require any member of the Council to abstain from participating in and voting on a matter before the City Council. (d) Memorandum from City Attorney Richard Doyle dated January 6, 2008 recommending City Council consider alternate Council salary setting methods and direct the City Attorney to prepare a Charter Amendment if change to current methods is approved.

Discussion: Chief Deputy City Attorney Norm Sato summarized the proposed Charter amendment regarding Council Appointee administrative leave. He briefly reviewed the language change and took questions from the Committee.

Chief Deputy City Attorney Norm Sato presented options for Council salary setting: 1) tying in Council salaries to those of Superior Court judges or 2) adjusting salaries pursuant to the Consumer Price Index with the final decision made by the Council Salary Setting Commission. Questions followed. Councilmember Chirco recommended community input. Mayor Reed agreed and suggested that staff solicit input from the Council Salary Setting Commission.

Deputy City Attorney Sandra Lee provided an overview of the Charter Amendment to simplify recall elections. Committee discussion followed.

Deputy City Attorney Rosa Tsongtaatarii summarized the proposed Charter amendment regarding abstentions. Committee discussion ensued.

Action: The Committee agreed to refer the Charter amendments to the March 4, 2008 Council agenda, with a recommendation that the Council consider the Charter amendments for the November ballot.

3. **Consider direction to the City Attorney to draft an ordinance providing flexibility for property and business improvement districts.**

Documents Filed: Memorandum from Councilmember Oliverio dated February 1, 2008 recommending the City Attorney draft an ordinance.

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Public Comments: Michael Mulcahy, President of the Willow Glen Business Association, spoke in support of the proposal and encouraged greater flexibility for property and business improvement districts. Denele Fedor, representing Council District 6, also spoke in favor of the proposed ordinance and urged quick action.

Action: The Committee referred this item to the full Council on February 26, 2008.

- H. Review of additions to Council Committee Agendas**
- 1. Community and Economic Development Committee**
 - 2. Neighborhood Services and Education Committee**
 - 3. Transportation and Environment Committee**
 - 4. Request for Transportation and Environment Committee Workplan**
- None.
- I. Open Government Initiatives**
- 1. Reed Reforms**
 - 2. Sunshine Reform Task Force (SRTF)**
 - 3. Significant Public Records Act Requests**
 - 4. Council Policy Manual Update**
- None.
- J. Open Forum**
- None.
- K. Adjournment**
- The meeting was adjourned at approximately 4:15 p.m.



Mayor Chuck Reed
Rules and Open Government Committee